

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

**SHAWN STEWART, BRIAN DAMANN, &
GRANT OILAR, individually and on behalf of
all others similarly situated**

Plaintiffs,

v.

**USA TANK SALES AND ERECTION
COMPANY, INC.,**

Defendant.

Case No. 3:12-CV-05136-DGK

**THE PARTIES' JOINT MOTION FOR APPROVAL OF JOINT STIPULATION
OF SETTLEMENT AND RELEASE**

The Parties jointly move this Court for an Order granting approval to the Joint Stipulation of Settlement and Release.

Plaintiffs brought claims on behalf of themselves and others similarly situated pursuant to the Fair Labor Standards Act and MMWMHL alleging that they were not properly paid overtime for hours they worked over forty in a week.

In support of this Motion, the Parties incorporate by reference their Memorandum in Support of the Parties' Joint Motion for Approval of Joint Stipulation of Settlement and Release, which is filed contemporaneously herewith. A copy of the executed Joint Stipulation of Settlement and Release is attached thereto as Exhibit 1.

This FLSA and MMWMHL Settlement Agreements were reached as the result of contested litigation and resolve *bona fide* disputes between the Parties over wage and hour law coverage and claims. The Settlement is eminently fair, reasonable and adequate, and provides eligible individuals the opportunity for meaningful monetary recovery to resolve disputed wage claims. For these reasons, and those more fully set forth above and in the attached exhibits, the

Parties respectfully requests that the Court approve the FLSA and MMWMHL Settlements, allow notice to be sent to Class Members/putative plaintiffs, and otherwise grant this Joint Motion for Approval of Joint Stipulation of Settlement and Release and all relief specifically set forth therein such as:

a. Entering an Order which incorporates by reference the terms set forth in the Joint Stipulation of Settlement and Release, and all terms used herein shall have the same meanings;

b. Entering an Order which finds that the Parties' Joint Stipulation of Settlement and Release is fair, reasonable, and adequate as to Plaintiff, putative plaintiffs and Class Members;

c. Entering an Order which certifies the FLSA Class;

d. Entering an Order which certifies the MMWMHL Class;

e. Entering an Order which approves as to form and content the proposed Collective/Class Notice of Settlement and Claim Form;

f. Entering an Order which directs the mailing of the Collective/Class Notice of Settlement and Claim Form by first class mail to the Class Members and/or putative plaintiffs pursuant to the following schedule:

i.	Deadline for Claims Administrator to mail Collective/Class Notice of Settlement and Claim Form	Within thirty (30) days of the Court ordering Final Approval of the FLSA Settlement and Preliminary Approval of the MMWMHL Settlement
ii.	Deadline for postmark of any Claim Form	Within sixty (60) days from the date the Claims Administrator mailed the Collective/Class Notice of Settlement and Claim Form

g. Entering an Order which enjoins Plaintiff and all Putative Plaintiffs from filing or prosecuting any claims, suits or administrative proceedings regarding claims released by the Joint Stipulation of Settlement and Release unless and until such Class Members/putative plaintiffs have chosen not to opt-in to the FLSA settlement, or have opted-out of the MMWMHL Settlement;

h. Entering an Order which enjoins Plaintiff and Class Members who timely submit a Claim Form, from filing or prosecuting any claims, suits or administrative proceedings, participating in any other collective or class action lawsuit, or pursuing an individual claim or action concerning any FLSA claims released by the Joint Stipulation of Settlement and Release;

i. Entering an Order which enjoins Plaintiff and Class Members/putative plaintiffs who did not timely submit an Opt-out Form for claims arising under the MMWMHL, from filing or prosecuting any claims, suits or administrative proceedings, participating in any other collective or class action lawsuit, or pursuing an individual claim or action concerning any MMWMHL claims released by the Joint Stipulation of Settlement and Release;

j. Entering an Order which grants Final Approval of the FLSA Settlement;

k. Entering an Order which grants preliminarily approval of the MMWMHL Settlement and setting a date for a Fairness Hearing for Final Approval of the MMWMHL Settlement; and

l. Entering an Order which grants and other and further relief that is just and proper.

Respectfully submitted,

POLSINELLI SHUGHART PC

By: /s/ Robert J. Hingula

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CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2013, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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